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ILLINOIS COMMERCE COMMISSION

DOCKET NO. 00-0393

DIRECT TESTIMONY OF

~~**KELLY CALDWELL**~~
Joseph Ayala

~~**I. INTRODUCTION**~~

1. **Q. PLEASE STATE YOUR NAME, TITLE AND BUSINESS ADDRESS.**

A. My name is Kelly Caldwell. I am an ILEC OSS Program Manager for Rhythms Links, Inc. ("Rhythms"). My business address is 9100 E. Mineral Circle, Englewood, CO 80212.

2. **Q. PLEASE DESCRIBE YOUR QUALIFICATIONS AND EXPERIENCE RELEVANT TO THIS PROCEEDING.**

A. I have been employed by Rhythms since 12th of May, 2000. Prior to this time, I worked at US WEST Communications, Inc. as an EDI Implementation Coordinator/Contractor. In my role at US West, I was responsible for facilitating the EDI implementations of CLECs and DLECs in US West Service territory. I managed the technical team assigned to support EDI implementations. In addition I defined the internal and external processes used by the EDI implementation team during Co-Provider negotiations (SEI CMM). I was the ~~author of a white paper on the role of Certificate Authorities and the use of Digital~~

~~Certificates for the Electronic Communications Implementation Committee/TCIF. I also participated in the technical evaluation and implementation of a new transport application and EDI translator. I earned a BA from University of Denver in 1990.~~

II. PURPOSE AND SUMMARY

3. Q. WHAT IS THE PURPOSE OF YOUR DIRECT TESTIMONY?

A. The purpose of my Direct Testimony is to describe the type of electronic, mechanized operations support systems ("OSS") required by CLECs such as Rhythms to support pre-ordering, ordering, provisioning, maintenance and repair, and billing for xDSL-based services in line sharing arrangements. As part of this discussion, I will evaluate SBC-Ameritech's obligations under orders of this Commission and the FCC to provide such OSS, and will recommend what steps the Commission should take to ensure that SBC-Ameritech fulfills these obligations.

4. Q. WHAT ARE YOUR RECOMMENDATIONS?

A. SBC-Ameritech's tariff fails to provide sufficient OSS to support Rhythms' needs for line-shared xDSL-based services. I will discuss my recommendations in detail below. However, at the outset, I note that the Commission has already established what OSS capabilities and functions are necessary to support line shared xDSL services for CLECs. The Commission set forth those OSS requirements in the

Rhythms/Covad line sharing arbitration award (Docket Nos. 00-0312/000313), on August 17, 2000. I recommend that the OSS holdings in the Rhythms/Covad arbitration award be made available to all CLECs by requiring SBC-Ameritech to incorporate the OSS requirements from the arbitration award in its line sharing tariff. SBC-Ameritech should include the OSS necessary to support line sharing for both all-copper and fiber-fed DLC loops. Some of the significant holdings from the Rhythms/Covad arbitration award that should be incorporated into the tariff include:

- SBC-Ameritech must provide read-only access to all data contained in any record, database or backend system of SBC-Ameritech that may be useful to CLECs in the provisioning of xDSL-based services on line shared loops that is available to SBC-Ameritech or its affiliate;
- SBC-Ameritech must provide CLECs with all information currently available to any Ameritech employee regarding OSS for line sharing loops provisioned over the Project Pronto configuration currently being deployed by SBC-Ameritech, and must provide updated information to CLECs as SBC-Ameritech continues Project Pronto deployment;
- SBC-Ameritech must provide CLECs with an audit of its records, databases and backend systems to verify what information that is useful for loop provisioning of xDSL-based services is available to SBC-Ameritech or its affiliate;
- SBC-Ameritech must offer CLECs the same type of access to OSS for pre-ordering, ordering, provisioning, maintenance and repair and billing

available to itself or its affiliates. Those access methods should include both read-only direct access and real-time, mechanized, flow-through access to such functions via gateways, graphical user interfaces ("GUI") and front-end systems;

- SBC-Ameritech must provision line shared loops on reasonable intervals that reflect the fact that line shared loops are already operational, and that reflect SBC-Ameritech's increasing efficiency at provisioning line shared loops over time; and
- SBC-Ameritech must allow CLECs to carry line shared xDSL services from the customer premises to the central office regardless of whether the loop is provisioned on all-copper loops from the central office to the customer premises, or on hybrid loops of copper and fiber routed through SBC-Ameritech Remote Terminals ("RTs"), such as are being deployed under SBC's Project Pronto.

III. OVERVIEW OF OPERATIONS SUPPORT SYSTEMS REQUIRED TO SUPPORT LINE SHARED XDSL

5. Q. WHAT CAPABILITIES ARE NEEDED FOR CLECS TO ORDER AND PROVISION XDSL SERVICES IN A LINE SHARING ARRANGEMENT?

A. Obviously, SBC-Ameritech must have in place all of the OSS needed to provide xDSL services. In addition, SBC-Ameritech must provide OSS capabilities that can identify and track the use of a loop for two separate services, because line

sharing involves the use of a single loop by a customer to get both POTS and high-bandwidth xDSL digital transmission capabilities between the customer's premises and the central office. A detailed technical description of line sharing is provided in the Direct Testimony of Mr. Riolo.

6. Q. DOES LINE SHARING POSE SPECIAL TECHNICAL DIFFICULTIES FOR PRE-ORDERING AND ORDERING?

A. No. In fact, prior to allowing CLECs to line share, SBC-Ameritech's sister operating companies in Texas and California supported line sharing (i.e., providing Plain Old Telephone Service ("POTS") and DSL services on a single loop) for its internal retail operations. Therefore, SBC should already have the necessary systems and capabilities in place to support line sharing. The only difference with CLEC line sharing is that records must reflect a different service provider for the data and voice services on the loop rather than having one provider for both.

Additionally, ILECs have been able for years to identify and track logical paths on POTS loops. One example is ISDN, which has two voice channels and one data channel within the low frequency POTS spectrum of a loop. Another example is Digital Added Main Lines ("DAMLs"), which are devices placed in the distribution portion of the loop plant and are used to derive two voice-grade POTS circuits from a single copper loop. Therefore, the ILECs have a history of

technical, operational and OSS experience with supporting multiple services on a single physical loop.

7. Q. WHAT TYPE OF OSS ARE REQUIRED FOR THE PROVISION OF XDSL SERVICES?

A. CLECs require mechanized, electronic flow-through systems that allow real-time access to pre-ordering, ordering, provisioning, and maintenance and repair and billing to support xDSL-based services in line shared arrangements. SBC-Ameritech already has in place OSS comprised of records, backend systems and databases to support these functions. However, several new capabilities are necessary so that CLECs have full and fair access to these OSS components. First, during the pre-ordering process, CLECs must be able to view and utilize all relevant loop provisioning information contained in SBC-Ameritech's OSS records, databases and backend systems. CLECs are entitled, under the FCC's UNE Remand Order, to all data that can be accessed by any SBC-Ameritech or affiliate personnel. Second, CLECs must have real-time flow-through access to SBC-Ameritech's OSS so that CLECs can obtain loop provisioning information during pre-ordering, and to interact with SBC-Ameritech's OSS records, databases and backend systems to support ordering, provisioning, maintenance and repair and billing for xDSL services. Such access should be provided both via direct, read-only access and through indirect means such as gateways, GUIs and front end systems. Below, I will describe these types of access and explain

why each is necessary for SBC-Ameritech to meet its legal obligations under the FCC's Line Sharing and UNE Remand Orders.

IV. INFORMATION REQUIRED TO SUPPORT LINE SHARED XDSL

8. Q. WHAT INFORMATION IS REQUIRED FOR LINE SHARED XDSL SERVICE DURING PRE-ORDERING?

A. In order to provide xDSL service, whether over a UNE loop or line-shared loop, CLECs must have access to a loop on which any copper segment is free of impediments, such as load coils, repeaters, digital added mainlines ("DAMLs"), and excessive bridged taps. Some types of xDSL services require specific technical characteristics on a loop in order to work. For example, certain types of xDSL services have distance limitations; thus loops that are "too long" are not suitable for that particular type of xDSL service. Because provision of xDSL services depend on the technical characteristics of a loop, CLECs must be able to access loop makeup information contained in the records, databases and backend systems of SBC-Ameritech. Access to such loop provisioning data is required in the pre-order stage, prior to ordering a line-shared loop from SBC-Ameritech.

9. Q. IF INTERFERING DEVICES ARE ON A LOOP, WHAT OPTIONS ARE AVAILABLE FOR THE CUSTOMER?

A. If a CLEC determines, based on information obtained from SBC-Ameritech's records, databases and backend systems, that a loop has interfering devices such

as load coils, repeaters and DAMLs those devices can be removed from a loop. The process of removing these devices is known as "de-conditioning."[1] In addition, as I discuss below, spare loops that do not have interfering devices may be substituted through a process known as Line and Station Transfer ("LST"). Therefore, CLECs need information regarding spare facilities in order to determine whether another loop exists that can be used to provide service to its customer.

10. Q. WHAT LOOP PROVISIONING INFORMATION DO CLECS NEED?

A. Access to a range of loop makeup provisioning information is necessary for CLECs to determine whether a given loop is suitable for a particular type of xDSL service. I understand that SBC-Ameritech engineers and other employees have access to a broad range of such loop provisioning information. CLECs should have access to the same information so that they can make their own determinations about whether a particular loop is suitable for the xDSL-based service the customer desires. I understand that access to loop provisioning information of the same type and scope as SBC-Ameritech employees under the parity requirements of the Telecommunications Act of 1996, and under the FCC's UNE Remand Order.

[1] The ILECs refer to this process as "conditioning."

11. Q. WHAT SBC-AMERITECH SYSTEMS OR DATABASES CONTAIN LOOP PROVISIONING INFORMATION?

A. Loop provisioning information is contained in numerous databases, systems and records. The primary database containing loop provisioning information in most of SBC's operating territory is the Loop Facility Administration and Control System ("LFACS"). However, SBC recently revealed in the POR collaboratives that SBC-Ameritech utilizes a loop inventory system called ARES. SBC has shared no information about this system other than that it is unique to Ameritech and contains information for more than 80 percent of the loops in SBC-Ameritech's region. ARES contains substantial amounts of loop provisioning information regarding loop length and loop makeup (i.e., gauge, interfering devices, etc.). I understand that SBC-Ameritech may also maintain a PREMIS database, which contains such relevant information as a loop length indicator.

The Trunk Integrated Records Keeping System ("TIRKS") contains information on designed circuits (i.e., T-1 lines, which are known disturbers for xDSL services). SBC personnel also have previously identified another system, the Automatic Pricing, Terminals, Options & Services ("APTOS"), that apparently contains information that could be used by CLECs in their end user negotiation process for pre-ordering activities. Other databases or backend systems in which loop provisioning information may be compiled or obtained include: FACS, LEAD/LEIS, SORD, SWITCH, WFA/C, WFA/DO, SOAC, LMOS, MARCH,

LASR, ESOI, FOMS/FUSA, CRIS, CABS, ARES, and ACIS. If any of these databases are available in the SBC-Ameritech region, data in them must be made available to CLECs in Illinois.

12. Q. IS THE BASIS ON WHICH SBC-AMERITECH HAS AGREED TO PROVIDE CLECS WITH LOOP PROVISIONING INFORMATION ADEQUATE?

A. SBC-Ameritech does not address in its tariff the basis upon which it will provide loop provisioning information. Some of SBC-Ameritech's sister operating companies have refused to provide loop provisioning information according to all criteria required by CLECs, and SBC-Ameritech witness Ms. Jacobson indicates that SBC-Ameritech will adopt that same position. She states that SBC-Ameritech provides loop information only based on the individual telephone number.[2] However, CLECs require loop provisioning information based on the individual telephone number or address of an end-user in a particular wire center or NXX code, or on any other basis that SBC-Ameritech or SBC maintains access to such information or provides such information to itself, to any of its affiliates, to any of its employees, contractors or subcontractors, or to any other party. SBC-Ameritech should not restrict loop provisioning information to working or existing telephone numbers only.

[2] Ameritech Illinois Exh. 2.0, Jacobson, at 10.

13. Q. WHAT LOOP PROVISIONING INFORMATION HAS SBC-AMERITECH AGREED TO PROVIDE IN ITS TARIFF?

A. SBC-Ameritech's tariff states that it will make available loop make-up information set forth in the Plans of Record ("POR"). Through the POR process, SBC-Ameritech's parent, Southwestern Bell Corporation ("SBC") has agreed to an initial list of approximately 30 data elements that will be provided through its pre-ordering system. SBC-Ameritech should comply with this commitment and make all of this information available to CLECs in Illinois. From the initial list of data elements from the POR process, SBC-Ameritech witness Ms. Jacobson indicates SBC-Ameritech will provide the following: Loop length; Loop length by segment; Loop length by gauge; 26-gauge equivalent loop length (calculated); Presence of load coils; Quantity of load coils (if applicable); Presence of bridged taps; Length of bridged taps (if applicable); Presence of pair gain/DLC; Qualification status of the loop based on specified PSD; Source of data (actual or designed); Presence/location of repeaters; Quantity of repeaters; Type of repeaters; Type of plant (aerial or buried); Composition of loop (copper or fiber); Portion of loop of each composition type; Availability of spare loops; Quantity of bridged-taps; Number of occurrences of bridged taps; Quantity of low pass filters; Location of low pass filters; Quantity of range extenders; Location of range extenders; Number of gauge changes; Location of pair gain; Location of digital loop carrier ("DLC"); Quantity of DLC; Presence of remote switching unit; and Type of remote switching unit.

14. Q. IS THE INFORMATION SBC-AMERITECH HAS AGREED TO PROVIDE IN ITS TARIFF ADEQUATE?

A. No. This offer is inadequate because it falls short of the loop information SBC is giving CLECs in other states, and it fails to comply with OSS obligations set forth by this Commission and the FCC. First, Ms. Jacobson's testimony list of the data elements SBC-Ameritech is willing to provide CLECs omits eleven data elements that its parent, SBC, agreed to provide CLECs during the POR process. Ms. Jacobson omits the following data elements related to all-copper loops: 1) type of repeaters, 2) wire center, and 3) taper code. Ms. Jacobson also omits the following eight data elements associated with the RT configuration utilized for SBC's Project Pronto: 1) whether the loop originates at an ADSL Capable RT; 2) whether the loop originates at a Non-ADSL Capable RT; 3) indicator of whether ADSL capable RT is available; 4) target date of when ADSL capable RT will be deployed; 5) location of ADSL capable RT by address; 6) location of ADSL capable RT by CLLI; 7) location of non-ADSL capable RT by address; and 8) location of non-ADSL capable RT by CLLI. [3] At a minimum, SBC-Ameritech should be required to provide CLECs in Illinois with all of the information that its parent, SBC, promised during the POR collaboratives. Second, SBC-Ameritech's commitment to provide loop provisioning information is limited to just two PORs -- the Ameritech Illinois POR and the Advanced Services POR, required by the FCC's SBC-Ameritech Merger Conditions Order.[4]

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[3] Ameritech Illinois Exh. 2.0, Jacobson, at 2-4; Attachment A (Notification of Advanced Services POR), at 3-4.

[4] Ameritech Proposed Tariff Ill. C.C. No. 20, Part 19, Section 2.5, n.1 ["Tariff"].

SBC-Ameritech doest not commit to incorporate the results of a third POR, the Uniform and Enhanced POR, which was also required by the FCC's Merger Conditions Order. SBC-Ameritech should agree in its tariff to provide all loop provisioning information identified in any POR, whether state or federal.

15. Q. WHAT INFORMATION ARE CLECS ENTITLED TO BEYOND THAT PROMISED IN THE POR PROCESS?

A. Even if SBC-Ameritech were willing to provide all information identified during the POR process, such information would be insufficient to meet its legal obligations established by orders of this Commission and the FCC. The POR process has produced a good foundation upon which to determine what loop provisioning information is needed by CLECs. However, SBC-Ameritech is required by the Commission's arbitration award for Rhythms and Covad, and by the FCC's UNE Remand Order and the Telecommunications Act of 1996 to provide additional information. In addition to the initial list of data elements from the POR process, SBC-Ameritech must make available any other loop provisioning information that is available now or is developed or collected in the future that is available either to SBC-Ameritech's internal personnel or the personnel of any affiliate. Such information includes location and technical characteristics of feeder distribution interfaces, the presence of all disturbers (including AMI T-1s) in the same or adjacent binder groups, and information regarding SBC-Ameritech's spare copper or fiber loop plant so that CLECs can

determine whether a line and station transfer,[5] or other similar work by SBC-Ameritech, could enable a CLEC to serve a particular customer whose existing loop cannot be used to provide xDSL services. I am aware that SBC-Ameritech's parent, SBC agreed during the POR process to provide information regarding spare facilities, but it is not clear whether SBC-Ameritech intends to offer such information for all spare facilities regardless of loop composition.

16. Q. IS THERE ANY OTHER TYPE OF LOOP INFORMATION TO WHICH CLECS ARE ENTITLED?

A. Yes. Additionally, SBC-Ameritech must provide loop information related to planned loop infrastructure modifications that could affect CLECs' ability to support line-shared xDSL services, in any substantive manner. An example of such modification is the new fiber-fed DLC configuration being deployed by SBC through Project Pronto throughout its 13-state region. Project Pronto, as described in detail in the Testimony of Mr. Riolo, is a network architecture that carries voice and data simultaneously on an the copper portion of a loop from the end-user customer demarcation location to a Remote Terminal ("RT"), and then carries the data and voice on the fiber portion of the loop from the RT to the CLEC's designated point of interconnection in the ILEC central office. A next generation digital loop carrier ("NGDLC") device is placed in the RT, which contains line cards that separate voice and data traffic and place it onto the fiber

[5] A line and station transfer is the process by which an ILEC switches a customer from a loop that cannot support provision of xDSL service to a spare loop that can support xDSL service.

portion of the loop. This new network configuration introduces a number of data elements that CLECs will need in order to determine how to provision xDSL service on a loop configured through a fiber-fed DLC.

CLECs will need access to information that enables them to determine how to provision line-shared xDSL services over the copper and fiber portion of loops configured through the Project Pronto architecture. Such data includes, at a minimum, deployment dates for remote terminals ("RTs"), location of RTs, wire center served by the RT, type of structure for the RT (hut, cabinet, controlled environmental vault), space available in the RT for CLEC equipment, slots available for xDSL cards in the next generation digital loop carrier ("NGDLC") equipment in the RT; number of ports initially available on the NGDLC equipment available for CLECs to provide xDSL line shared services, and fill rates for the NGDLC ports and the RTs. Other data elements may also be necessary to provision xDSL in a fiber-fed DLC configuration. The CLECs currently have little technical and operational information about Project Pronto, and thus cannot know exactly what information they should request. However, one example is the new Broadband Ordering Profile GUI[6] or SOLID system[7] that SBC has announced will be required to place orders for loops configured through the Project Pronto architecture.

[6] Accessible Letter CLECSS00-144, August 9, 2000.
[7] Accessible Letter, May 24, 2000.

Although I can only speculate on scope of information needed for CLECs to provision line shared xDSL services on loops configured through Project Pronto, at a minimum, SBC-Ameritech should provide the information that its parent has already agreed to provide CLECs in other states. As I mentioned above, SBC agreed through the POR process to provide eight data elements Project Pronto, but Ms. Jacobson's testimony omits this information from the list of data that SBC-Ameritech is willing to provide.

17. Q. ON WHAT BASIS DO YOU BELIEVE THAT CLECS ARE ENTITLED TO ALL LOOP INFORMATION AVAILABLE TO ANY ILEC EMPLOYEE ABOUT CURRENT AND PLANNED LOOP PLANT?

A. First, the Commission has ordered SBC-Ameritech to provide such information. In the Rhythms/Covad line sharing Arbitration Award (Docket Nos. 00-0312/0313) the Commission ordered SBC-Ameritech to provide access to all of the data elements that SBC has agreed to provide during the POR process plus all information in SBC-Ameritech's records, databases and back-end systems that may be useful in provisioning xDSL services on line shared loops.[8] service representatives, internal engineers or data affiliate to provision its own xDSL services.

Second, CLECs are entitled to all current loop provisioning information available to any of SBC-Ameritech's employees under the FCC's UNE Remand Order.

That Order requires the ILECs to provide access to all loop provisioning information available to any personnel that is contained in their databases, back-end systems and records regardless of the underlying network configuration.[9] Further, CLECs are entitled to new loop provisioning information as it is generated or compiled by SBC-Ameritech.[10] The FCC's UNE Remand Order states that as ILECs update their databases for xDSL deployment, they must make all updated information available to their own employees available to CLECs as well.[11]

18. Q. IS SBC-AMERITECH LEGALLY OBLIGATED TO PROVIDE RHYTHMS WITH ANY MORE LOOP PROVISIONING INFORMATION THAN IT GIVES ITS OWN RETAIL ADSL OPERATIONS?

A. Yes. To be sure, Rhythms, and all CLECs are entitled to access the same loop qualification information utilized by an ILEC's retail operations, or service representatives. The FCC's UNE Remand Order states that an "incumbent LEC must provide the requesting carrier with nondiscriminatory access to the same detailed information about the loop that is available to the incumbent, so that the requesting carrier can make an independent judgment about whether the loop is capable of supporting the advanced services equipment the requesting carrier intends to install."[12] However, the obligation to provide CLECs with equal access

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8 Rhythms/Covad Arbitration Award at 43.
9 UNE Remand Order ¶ 430.
10 UNE Remand Order ¶ 429.
11 *Id.*
12 *UNE Remand Order* ¶ 427.

to loop qualification information extends beyond information available to SBC-Ameritech's retail operations. Ms. Jacobson contends that SBC-Ameritech's *retail operations* do not access loop provisioning information. However, Ms. Jacobson is making the wrong comparison. CLECs are entitled to information related to loop characteristics that is available to any employee at SBC-Ameritech, not just retail personnel provisioning an ILEC's xDSL service. The FCC's UNE Remand Order stated that "the relevant inquiry is not whether the retail arm of the incumbent has access to the underlying loop qualification information, but rather whether such information exists *anywhere* within the incumbents' back office and can be accessed by any of the incumbent LEC's personnel."[13] The UNE Remand Order required the ILECs to provide CLECs with access to all loop provisioning information contained in ILEC "engineering records, plant records and other back office systems so that a requesting carrier can make their own judgment about whether those loops are suitable for the services the requesting carriers seek to offer."[14] The Commission incorporated this requirement into the Rhythms/Covad arbitration award. SBC-Ameritech was ordered to provide all information in its records, databases and backend systems that is useful in provisioning xDSL services on line shared loops "regardless of whether the information would be useful for a type of xDSL Ameritech intends to provision or not."[15]

[13] *UNE Remand Order* ¶ 430 (emphasis added).
[14] *UNE Remand Order* ¶ 428.
[15] Arbitration Award, at 43.

19. Q. HOW COULD CLECS DETERMINE WHETHER SBC-AMERITECH HAS GIVEN THEM ALL OF THE LOOP PROVISIONING INFORMATION TO WHICH THEY ARE LEGALLY ENTITLED?

A. SBC-Ameritech should allow CLECs to audit its records, databases and backend systems to determine what data are available to SBC-Ameritech or its affiliates.

20. Q. HAS SBC-AMERITECH AGREED TO PROVIDE CLECS WITH SUCH AN AUDIT?

A. No. As I will discuss more fully below, SBC agreed to negotiate terms and conditions for such an audit during the POR collaboratives. However, the offers SBC has made so far are too restrictive to ensure that CLECs will be able to verify what information exists in all of SBC's records, databases and backend systems.

21. Q. IS THERE ANY PRECEDENT IN ILLINOIS FOR ALLOWING CLECS TO CONDUCT AN AUDIT?

A. Yes. The Commission ordered Ameritech to allow Rhythms and Covad to audit the following backend systems and databases to verify what type of loop provisioning information is available to Ameritech's own personnel to support line shared xDSL: LFACS, TIRKS, APTOS, PREMIS, FACS, LEAD/LEIS, SORD, SWITCH, WFA/C, WFA/DO, SOAC, LMOS, MARCH, LASR, ESOI, FOMS/FUSA, CRIS, CABS, ARES, and ACIS. The Commission should make such an audit available to all CLECs by requiring SBC-Ameritech to incorporate

the audit requirements from the Rhythms/Covad Arbitration Award in the line sharing tariff. To ensure that CLECs continue to have access to all loop provisioning information as SBC-Ameritech updates and expands its records, databases and backend systems, such audit rights should be ongoing and periodic.

V. THE POR COLLABORATIVE PROCESS IS NOT SUFFICIENT TO MEET SBC-AMERITECH'S LEGAL OBLIGATIONS TO PROVIDE LOOP PROVISIONING INFORMATION TO CLECS

22. Q. WHY DO SBC'S COMMITMENTS MADE DURING THE POR COLLBORATIVES NOT SATISFY SBC-AMERITECH'S OSS OBLIGATIONS?

A. The POR meetings arose out of conditions adopted by the FCC in its review of the SBC-Ameritech merger. During its examination of the proposed merger, the FCC concluded that enhancements to SBC's OSS were required to offset competitive marketplace harm that would result due to the merger, and to ensure that CLECs could compete effectively after the merger. With regard to advanced services, the FCC ordered SBC to make enhancements only to its EDI and Datagate systems to support pre-ordering and ordering of xDSL services by CLECs, SBC's data affiliates, and SBC's internal personnel when conducting "joint marketing" activities with its data affiliate. In addition, the FCC ordered SBC to take steps to adopt uniform and enhanced OSS interfaces throughout its territory. In both cases, CLECs felt that the offerings SBC made were inadequate.

23. Q. WERE THE POP COLLABORATIVES SUCCESSFUL IN MEETING CLECS' NEEDS?

A. No, far from it. The FCC set forth requirements for SBC to be carried out in three phases. In Phase I, which began in December 1999, SBC was required to complete a publicly available Advanced Services POR setting forth an overall assessment of SBC/Ameritech's existing Datagate and EDI interfaces, business processes, and rules, hardware capabilities, data capabilities and differences. In addition, the POR was to explain how SBC/Ameritech intends to develop and deploy enhancements to these systems for pre-ordering and ordering of xDSL and other advanced services. SBC had to give CLECs an opportunity to comment on the Advanced Services POR and to suggest modifications where needed to support CLEC's use of EDI and Datagate. Because a number of CLECs suggested such modifications, the POR process entered Phase 2. During this process, SBC was instructed to meet with CLECs in collaborative sessions to agree on needed modifications. CLECs began meeting with SBC representatives on January 19, 2000, and had a series of three Advanced Services POR collaboratives, the last of which was March 28 and 29, 2000.

At the end of the March meeting, the CLECs were unable to obtain written agreement from SBC that it would provide all modifications identified by the CLECs. On April 3, 2000, both SBC and the CLECs filed documents with the FCC explaining the agreements reached and the issues remaining in dispute. A

group of 12 CLECs – all CLECs participating in any substantial manner -- indicated that substantial areas remained in dispute and sought arbitration. (The CLEC notification is submitted as Attachment A to my testimony). The FCC may either authorize arbitration or additional collaboratives, however, the CLEC filing indicated that additional collaboratives would likely be unproductive due to positions taken by SBC on the unresolved issues. To date, the FCC has not ordered the arbitration nor has SBC agreed to work with the CLECs to resolve the issues as part of the Advanced Services POR. CLECs such as Rhythms attempted to get SBC to resolve the outstanding xDSL issues from the Advanced Services POR in a second POR mandated by the FCC's Merger Conditions Order.

The second POR, dubbed the Uniform and Enhanced Services POR, had a much broader scope. SBC was to address CLEC needs for uniform OSS across SBC's newly created 13-state region, and to ensure that CLECs had adequate functionality to support pre-ordering, ordering, provisioning, maintenance and repair, and billing for xDSL–capable loops. During the Uniform and Enhanced Services POR, SBC refused to discuss the unresolved xDSL issues from the Advanced Services POR.

24. Q. WERE LINE SHARING OR PROJECT PRONTO ISSUES RESOLVED IN EITHER POR?

A. No. SBC refused to discuss line sharing during both PORs. The stalemate over line sharing and Project Pronto are documented in reports filed at the FCC. (See

Attachment A at 19 and Attachment B at 55 identifying Line Sharing as disputed issues.)

25. Q. IF THE SUBSTANTIAL PROBLEMS WITH THE POR PROCESS COULD BE CORRECTED, SHOULD THE COMMISSION REFRAIN FROM EXERCISING ITS OWN AUTHORITY AND INSTEAD RELY ON THE RESULTS OF THE POR PROCESS TO SET FORTH OSS REQUIREMENTS FOR LINE SHARING?

A. No, for several reasons. First, as I discussed above, the Advanced Services POR was set up by SBC to determine only what enhancements to SBC's EDI and Datagate interfaces were necessary to support pre-ordering, ordering, provisioning and maintenance for advanced services. SBC has stated repeatedly that it will not go beyond those enhancements in the POR to fully address other interfaces or gateways used by CLECs to access SBC-Ameritech's OSS. Further, SBC has denied outright all requests from CLECs during the POR for direct access. Thus, the Advanced Services POR process was not set up, and was not expanded by SBC to examine the precise OSS questions associated with xDSL services provided in a line shared environment.

Second, SBC has provided no coordination between the POR process, the line sharing demonstrations, and the negotiations that led to this arbitration. Therefore, it is likely that some OSS issues unique to line sharing for xDSL services will not be addressed in the POR process.

Third, because the POR process ended without success on many substantial xDSL issues (e.g., direct and gateway access to all ILEC databases, backend systems and records, OSS modifications necessary for line sharing and OSS modifications necessary for Project Pronto) and arbitration is likely, those OSS issues will not be resolved for some time.

Fourth, the Uniform and Enhanced POR process was intended to examine OSS issues across SBC/Ameritech's 13-state region, and determine how best to make OSS uniform across the 13-state region. Therefore, the POR participants have a different focus and mandate than ensuring that a comprehensive set of OSS requirements are established specifically for Illinois, and directly addressing CLEC rights under the FCC's Line Sharing Order.

Finally, CLECs have had difficulty getting SBC to fulfill all of its promises made during the POR. For example, SBC agreed to give CLECs an audit of its records, databases and backend systems. The audit was to be conducted in each of SBC's four service areas: Pacific/Nevada Bell, SWBT, Ameritech, and SNET. To date, no audit has taken place in any of the four regions because CLECs have had to negotiate with SBC for months regarding the terms and conditions for the audit. Unlike the audit rights that the Commission recently determined Rhythms and Covad should have, SBC's counterproposals significantly restricts the databases and backend systems that CLECs will be allowed to audit. Additionally, the SBC

proposal puts severe restrictions on the number of CLEC representatives who may attend the audit. Further, SBC has not agreed to an ongoing audit process, as the CLECs requested.

Another important example of SBC-Ameritech backsliding on promises made during the POR process concerns updates to SBC-Ameritech's databases. During the POR process, SBC-Ameritech agreed to update its LFACS database with information obtained manually by SBC-Ameritech engineers from paper records, and paid for by CLECs. Such updates would ensure that only one CLEC must pay the high charges SBC-Ameritech imposes for such manual look ups of data. SBC-Ameritech agreed to do such updates. However, since the POR process ended, CLECs have learned that SBC-Ameritech did not update its LFACS database with such information permanently. Instead, SBC-Ameritech created a temporary database that will house many of the data elements obtained during manual look ups for only 90 days. (Attachment C to my testimony indicates the data elements that will be kept for only 90 days. See key at end of table.) Such temporary database is a clear violation of the agreement that CLECs had with SBC during the POR collaborative.

Based on such backsliding experiences, Rhythms is concerned that any commitment made by SBC during the POR process may be short lived. Therefore, if the Commission wants to ensure the CLECs have full and fair access to all OSS necessary to support line shared xDSL services, it will likely have to

become involved either by establishing its own set of requirements or by assisting CLECs in enforcing commitments that SBC has not fulfilled. Both the FCC's Line Sharing Order and the SBC/Ameritech Merger Conditions Order expressly give the states the right to establish its own set of requirements for line sharing, and the Commission can and should use this authority to determine for itself what is needed for CLECs to effectively compete and provide xDSL line shared services to Illinois consumers.

26. Q. IN ANY CASE, SHOULD THE RESULTS OF THIS ARBITRATION BE SUBJECT TO THE OUTCOME OF THE POR PROCESS?

A. Only if the results of the POR process are viewed as a floor. In other words, if the POR process resulted in agreement between CLECs and SBC for OSS features or capabilities that were better than those established in this proceeding, the more favorable condition should apply. If the OSS requirements established in this proceeding exceed those resulting from the POR, there is no conflict. The FCC's Merger Conditions Order, which established and governs the POR process, explicitly stated that the Merger Conditions did not preclude any state from setting more rigorous requirements. Indeed, the Merger Conditions address this exact issue. In Footnote 2 of the Merger Conditions (Appendix C), the FCC states: "To the extent that these Conditions impose fewer or less stringent obligations on SBC/Ameritech than the requirements of any past or future Commission decision or any provisions of the 1996 Act or the Commission or state decisions implementing the 1996 Act or any other pro-competitive statutes

or policies, nothing in these Conditions shall relieve SBC/Ameritech from the requirements of that Act or those decisions. The approval of the proposed merger subject to these Conditions does not constitute any judgment by the Commission on any issue of either federal or state competition law. In addition, these conditions shall have no precedential effect in any forum, and shall not be used as a defense by the Merging Parties in any forum considering additional pro-competitive rules or regulations."

VI. ACCESS TO SBC-AMERITECH'S OSS REQUIRED BY CLECS

27. Q. ARE CLECS ENTITLED TO READ-ONLY DIRECT ACCESS TO SBC-AMERITECH'S OSS TO OBTAIN LOOP PROVISIONING INFORMATION?

A. Yes. The Commission ordered SBC-Ameritech to provide read-only direct access in the Rhythms/Covad Arbitration Award. The Commission found that direct access was required for Rhythms and Covad because SBC-Ameritech employees have direct access to loop provisioning information. It is my understanding that the Commission based its decision on the requirements of the FCC's UNE Remand Order that CLECs should have access to loop provisioning information in the same manner and same timeframe as the ILECs' own operations.

While such access will result in more inquiries, SBC-Ameritech's systems must be capable of handling very large numbers of inquiries. SBC has announced that

during the next three years it expects to provide xDSL service to 6 million customers. By the end of this year, SBC is aiming to capture 50% of the national xDSL market.[16] SBC has stated during the POR meetings that it will require a loop qualification for every loop used to provide xDSL regardless of the length, and regardless of the provider. Therefore, SBC must have already upgraded or expanded its systems to accommodate this new volume of inquires.

Further, SBC has clearly designed its systems to scale as demand increases, and should be able to accommodate demand from CLECs. For example, SBC-Ameritech's sister operating company, Pacific Bell, was able to process in excess of 20,000 line shared loop orders between June 6, 2000 and July 17, 2000 using ASOS, which I believe is a front end for an integrated flow-through pre-ordering and ordering system. ASOS is available only to SBC-ASI, and will not be made available to CLECs.

28. Q. HAS ANY STATE COMMISSION ORDERED DIRECT ACCESS FOR CLECS TO AN ILEC'S OSS?

A. Yes. Illinois recently ordered SBC's operating company, Ameritech, to give CLECs direct, read-only access to information in Ameritech's databases and backend systems.

[16] Presentation made by Caryn Moir at NARUC summer convention, July 2, 2000.

29. Q. HAS SBC-AMERITECH AGREED TO PROVIDE DIRECT ACCESS IN ITS TARIFF?

A. No. SBC-Ameritech states that it will provide "electronic access" for pre-ordering and ordering. [17] Although SBC-Ameritech provides little detail regarding such electronic access, it briefly alludes to providing and EDI interface, therefore, I conclude that SBC-Ameritech intends only to provide access to its loop provisioning information through gateways and interfaces.[18] Such conclusion is borne out by Ms. Jacobson's testimony. She states that CLECs are not entitled to direct access to loop provisioning information and claims that the line sharing tariff gives CLECs sufficient access to its OSS. Ms. Jacobson also argues that even though CLECs should not have direct access, they will not be given "filtered" access. While I'm not sure what Ms. Jacobson means by the term "filtered," I am sure that so long as CLECs are not provided direct access to loop provisioning information, and are instead given restricted access through gateways and interfaces, they will only be able to access the subset of data that SBC-Ameritech decides it is willing to give to CLECs.

30. Q. WHEN SHOULD ACCESS TO PRE-ORDERING SYSTEMS BE AVAILABLE FOR XDSL LINE SHARING?

A. SBC-Ameritech should have made available sufficient OSS to support access to all loop provisioning information in SBC-Ameritech's records, databases and

[17] Tariff, § 2.3, 2.5.A.
[18] Tariff, § 2.5.A.

backend systems by the effective date of the UNE Remand Order. Some of the requirements of the UNE Remand order were phased in, but the last date for all UNE Remand obligations was May 17, 2000. SBC-Ameritech should have made access to OSS to support ordering, provisioning, maintenance and repair and billing for line shared xDSL services by June 6, 2000, the FCC's deadline for commercial availability of line sharing.

31. Q. WHAT OTHER TYPE OF ORDERING SYSTEMS DO CLECS NEED?

A. In addition to direct access to SBC-Ameritech's OSS, CLECs need access via gateways, interfaces and front-end systems that will provide a mechanized, real-time flow through system for ordering line sharing arrangements for xDSL services. Such ordering systems should be capable of supporting orders for all types of xDSL services that can be supported on a shared loop (i.e., ADSL, RADSL, G.Lite), and any network configuration for line sharing (i.e., home run copper or fiber-fed DLC), as described in the Direct Testimony of Mr. Riolo. Such ordering system should support mechanized, real-time ordering notifications such as firm order confirmations ("FOCs"), jeopardy notifications and service order completions ("SOCs").

Additionally, the ordering system should support mechanized, real-time flow through ordering for de-conditioning to remove devices that interfere with the provision of xDSL service. Interfaces, GUIs and front end systems available to CLEC should include EDI, Datagate, Verigate, LEX (including Toolbar) and

ASOS. Continuing access to GUIs such as Verigate, which CLECs are already using, is important given the large up-front investment required for a CLEC to utilize electronic data interchange ("EDI") systems. Therefore, SBC-Ameritech should be required to continue supporting such systems even after EDI is fully deployed because access to OSS via GUIs is essential to allow all CLECs a meaningful opportunity to compete.

32. Q. ARE THE ORDERING SYSTEMS OFFERED IN SBC-AMERITECH'S TARIFF ADEQUATE?

A. No. SBC-Ameritech's tariff does not discuss specific ordering functionality such as SOCs, FOCs and jeopardy notices. Further, the tariff mentions only EDI, and does not indicate that other gateways, or that any GUIs will be available. Ms. Jacobson mentions the availability of TCNet in her testimony, but that interface is not mentioned in the tariff. Even if it were offered in the tariff, TCNet is not sufficient. It is little more than an electronic mail system through which CLECs may send orders. It is not capable of supporting the type of mechanized, flow-through functionality required by CLECs. In addition, SBC-Ameritech's tariff does not discuss providing a real-time, mechanized flow-through access method that enable CLECs to order all components of the Project Pronto offering.

33. Q. IS SBC-AMERITECH REQUIRED TO OFFER MECHANIZED GATEWAYS AND INTERFACES FOR ORDERING TO CLECS?

A. Yes. The Commission ordered SBC-Ameritech to provide gateway access via EDI and standardized GUIs for pre-ordering (Verigate) and ordering (LEX).

34. Q. WHEN DO CLECS NEED ORDERING INTERFACES AND GATEWAYS?

A. All interfaces and GUIs used to access OSS for line sharing were required to be in place by the FCC by June 6, 2000, such access methods should be available to CLECs now. However, SBC-Ameritech currently has no GUI for pre-ordering and ordering. Therefore, the Commission in the Rhythms/Covad arbitration ordered SBC-Ameritech to provide such GUIs by the end of the year.

35. Q. SHOULD SBC-AMERITECH OFFER MANUAL ACCESS TO ITS OSS?

A. Yes. Until SBC-Ameritech can provide full and fair access to all of its OSS, SBC-Ameritech should provide manual systems and processes to CLECs.

36. Q. WHAT PROVISIONING, MAINTENANCE AND REPAIR, AND BILLING CAPABILITIES DO CLECS NEED?

A. As I mentioned before, CLECs must have access to a real-time, mechanized flow-through system for provisioning, maintenance and repair and billing xDSL loops in a line sharing arrangement. Specifically, SBC-Ameritech should provide a system that supports a full range of provisioning needs for xDSL services. For

instance, if records show that xDSL services cannot be provided to a customer's address because the loop has an interfering device such as DLC, CLECs should have access to the information in SBC-Ameritech's databases so they can check loop inventory to determine whether there is a spare clean loop that runs from the demarcation point at the customer premises to the serving wire center that could be used. If so, the system should execute a request for a LST without human intervention. The LST will move the end-user's voice service to the available spare copper loop, or in the case of a line shared loop, make available the high frequency portion of the spare copper loop to the CLEC. SBC-Ameritech's tariff does not offer LSTs as an option for CLECs.

37. Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?

A. Yes, it does.